

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

BAIL APPLICATION NO.3061 OF 2019

Prakash Bapurao Pathak ... Applicant
Vs
The State of Maharashtra ... Respondents

...
Mr. Meghashyam Kanoji Kocharekar for the Applicant.
Mrs. J.S.Lohokare , APP for the Respondent-State.
API G.V.Kumbhare attached to M. Phule Chowk Police
Station, Kalyan present.

CORAM : SANDEEP K. SHINDE J.
DATE : 3rd DECEMBER, 2019

P.C. :

Heard.

2 Applicant is seeking enlargement on bail in Regular Criminal Case No.777 of 2019 arising out of Crime No.123 of 2019 for the offences punishable under Sections, 420, 406 read with Section 34 of the Indian Penal Code, 1860.

3 Applicant is a Government servant. In January, 2010, he promised complainant a job in the Public Works

2019.odt

Department of the State for consideration of Rs.4 Lakhs and also a job to her husband as a clerk for consideration of Rs.10 Lakhs. Complainant said Rs.6 Lakhs were paid to the applicant's wife, Kalpana Prakash Pathak; and Rs.4 Lakhs to the applicant. Complainant's husband died in August, 2013. Admittedly, neither the complainant nor her husband was given employment as promised. Therefore, the complaint, in March, 2019.

4 The learned counsel for the applicant submits, save and except a statement of the complainant, there is no evidence on record to show his complicity in the alleged offence. It is further submitted that complaint has been filed belatedly and there is nothing on record to justify such unreasonable delay. It is submitted that the investigation is over and, therefore, he may be released on bail.

5 The learned APP, on instructions, submits that five offences of similar nature are registered against the applicant in the year 2014, 2016 and 2017. Besides, it is pointed out that applicant's wife is absconding and her pre-

arrest bail application has been rejected by the Court. The learned APP has pointed out that cheque in the sum of Rs.15 Lakhs was issued by the applicant's wife in the name of the complainant in August, 2018, however, it dishonoured.

6 Applicant has not explained, as to why his wife had issued a cheque in the name of the complainant in the sum of Rs.15 Lakhs.

7 The learned counsel for the applicant argued, the applicant has been falsely implicated in the case and, made representations to the Superintendent of Police, in the year 2016 and 2018.

8 Be that as it may, in view of the offences of similar nature registered against the applicant and cheque being issued by the applicant's wife in the name of the

complainant and non-availability of the applicant's wife for investigation, cumulatively leads me to hold that the application deserves no consideration and it is rejected.

(SANDEEP K. SHINDE, J.)